

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WESTERN KENTUCKY GAS COMPANY, A)	
DIVISION OF TEXAS AMERICAN ENERGY)	
)	
COMPLAINANT)	
)	
vs.)	CASE NO. 9046
)	
ORBIT GAS COMPANY, INC.)	
)	
DEFENDANT)	

O R D E R

On January 29, 1985, Western Kentucky Gas Company ("Western") filed a Petition for Rehearing and Motion for a Cease and Desist Order. It subsequently filed a Motion for an Immediate Cease and Desist Order on January 31. Orbit Gas Company, Inc., ("Orbit") filed its response on January 31.

The thrust of Western's petition is that Orbit has the capability to begin selling gas to an industrial customer through a pipeline connecting the ANR pipeline with Arco Metals.

In order to fully explore the issues raised by Western's petition, the Commission has determined that a new proceeding should be initiated to evaluate the jurisdictional status of Orbit, if it is indeed selling gas through a newly installed pipeline. For this reason, Western's petition for rehearing should be denied.

Because the Commission did not find that Orbit is a jurisdictional utility, there is no basis for it to order Orbit to cease the activities alleged by Western. Without an order subjecting Orbit to regulation, this Commission cannot authorize the action sought. Therefore, an order to cease and desist cannot be issued.

After a review of the record IT IS ORDERED:

1. That Western's petition for rehearing is denied;
2. That Western's motion for a cease and desist order is denied;
3. That a new docket is to be established to consider the issues raised by Western's petition.

Done at Frankfort, Kentucky, this 19th day of February, 1985.

PUBLIC SERVICE COMMISSION

Richard D. Lennan
Chairman

Kurt H. L. L.
Vice Chairman

Sam Shuck
Commissioner

ATTEST:

Secretary